



Application of: De Jong *et al.*

Serial No.: 10/722,045

Filed: November 25, 2003

For: A VIRUS CAUSING RESPIRATORY
TRACT ILLNESS IN SUSCEPTIBLE
MAMMALS

Confirmation No.: 8309

Group Art Unit: 1648

Examiner: Hill, Myron G.

Attorney Docket No.: 7682-108-999

Declaration by Prof. Dr. Osterhaus regarding the Deposit I-2614.

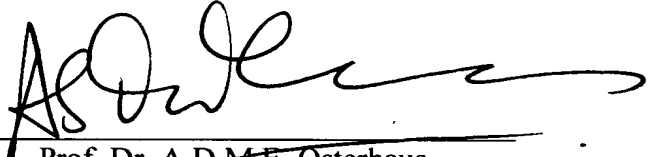
I, Prof. Dr. A.D.M.E. Osterhaus, hereby state as follows:

1. I am Head of the Department of Virology at Erasmus Medical Centre at the University of Rotterdam. I am also the depositor of MPV isolate 00-1 with the Collection Nationale de Cultures de Microorganismes ("CNCM") at the Institute Pasteur, Paris, France.
2. The CNCM has the status of international depository authority ("IDA") under the Budapest Treaty. See the attached printout of the website of the CNCM and the attached list of IDA's from the World Intellectual Property Office website.
3. Also attached are the receipt and the viability statement of the Deposit I-2614 from the CNCM.
4. The procedure for furnishing the deposited material to third parties from the CNCM is outlined in the attached printout of the website of the CNCM.
5. To obtain a sample from the CNCM, a third part must address their demand either to the depositor for a written declaration authorizing the CNCM to furnish the requested sample, or to a competent Industrial Property Office for a certification that an application referring to the microorganism has been filed with the Office

or that the requester has the right to get such sample under the law governing patent procedure before that office. See the print-out of the CNCM website.

6. The CNCM furnishes samples to any third party that is entitled to obtain such sample under Rule 11 of the Regulations under the Budapest Treaty. Depositors are not permitted to place a restriction on such furnishing. (See e-mail message of George Wagener of CNCM dated June 24, 2009).
7. I hereby further certify that any restrictions imposed by the depositor on the availability to the public of the Deposit I-2614 will be irrevocably removed on grant of any patent that issues from the above-identified patent application.

I hereby declare further that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

By: 
Prof. Dr. A.D.M.E. Osterhaus
Dept. of Virology
Erasmus University Rotterdam
P.O. Box 1738
3000 Dr. Rotterdam
The Netherlands

Date: 30.06.09



COLLECTION NATIONALE DE CULTURES DE MICROORGANISMES (CNCM)

INSTITUT PASTEUR
25 rue du Docteur Roux
F-75724 PARIS Cedex 15
Tél +33 1 45 68 82 50
Fax +33 1 45 68 82 36

Executive Head: WAGENER Georges
Scientific Advisors: BUREAU Jean-François - OZDEN Simona
Secretary: GARCONNET Sabine
Technical Assistance: ROUSSEAU Catherine

The CNCM is a collection of microorganisms and cell cultures deposited for purposes requiring a strict **secrecy** provision.

The CNCM has the status of **International Depositary Authority** under the Budapest Treaty.
2997 deposits are secured on December 18th, 2001 :

- 1 011 recombinant *Escherichia coli*
- 341 lactic acid bacteria
- 480 other bacteria
- 419 hybridomas
- 240 animal or human cell lines
- 111 fungi
- 154 yeasts
- 42 phages
- 199 viruses from animal or human sources

If need be, the CNCM assists other culture collections in releasing the samples of their own biological material to requesting laboratories.

-
1. What are the main features of the CNCM ?
 2. What interest in depositing with the CNCM ?
 3. What kinds of biological material are accepted ?
 4. What is the procedure to follow for depositing a biological material ?
 5. What is the deposit process ?
 6. What are in short the main steps of the deposit ?
 7. What about the fees for deposit and the duration of the storage ?
 8. Who can get in touch with a deposited material ?
 9. What is the procedure to follow for obtaining a sample of a particular deposit ?
 10. What are the conditions under which pieces of information?
-

1. Main features of the CNCM

The " *collection of microbial strains held by the Pasteur Institute* " was recognized by Interministerial Order on April 30th, 1976 for the purposes of patent procedure as " *national collection of cultures of microorganisms* ". On August 25th, 1978 an agreement concerning the deposit of microorganisms in application of Rule 28 of the *European Patent Convention* was signed between the *European Patent Organisation (EPO)* and the *CNCM, Institut Pasteur*. Then on August 31st, 1984 the CNCM acquired the status of *International Depositary Authority* under the *Budapest Treaty* by virtue of the Communication of France which had been the object of the Budapest Notification n° 39 of June 29th, 1984.

Today the CNCM is an entity saved for the tasks of depositary authority and, in front of (1) increasing complexity of the microorganisms involved, (2) extending international implications, (3) continuous accumulation of files and materials (connected to the very long duration of the storage), (4) permanent obligation of revision according to the evolution of the knowledge, and (5) spreading measures of precaution, important supplementary means are about to be given to it.

The isolation of the deposited materials and the seclusion of any related task secure the conditions of **secrecy**. The refusal of the CNCM to offer subsidiary remunerated services, like expert evaluation, identification, *etc.* ensures its moral **independence**.

Numerous complex internal procedures were elaborated in the course of the years, all these procedures aiming at guaranteeing the **neutrality** of the CNCM in front of varied situations and multifarious interlocutors.

The CNCM is the second International Depositary Authority in Europe as for the number of deposits.

2. Depositing with the CNCM

The CNCM secures the deposit of biological materials according to agreements which resulted from the national and international need of their controlled preservation under a strict secrecy provision. Today most of the microorganisms ensured are deposited with the CNCM under the **Budapest Treaty** (*) on the basis of the relevant communications of France (**).

Patent Procedure

As far as patent law is concerned, where the repeatability of an invention involving a microorganism or the use thereof cannot be ensured by means of a written description alone, the said microorganism must be available to any person skilled in the art.

The Budapest Treaty and the Regulations under the Treaty laid down an uniform system, recognized by any Contracting State, of deposit of microorganisms and furnishing of samples.

Further Procedures Requiring a Strict Secrecy Provision

Where a microorganism has been deposited under the Treaty, as long as no application referring to the deposit of that microorganism or the use thereof has been filed with an Industrial Property Office of a Contracting State, the samples thereof, any related piece of information, including the single fact to know whether the microorganism has, or not, been deposited, are **approachable to nobody**, except to the depositor and a party authorized by the depositor.

Of this fact and considering the international recognition, the deposit under the Budapest Treaty is often used in other purposes : protection of **reference material in production, contracts of collaboration, etc.**

(*) Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done on April 28th, 1977, and amended on September 26th, 1980.

Regulations adopted on April 28th, 1977, and amended on January 20th, 1981.

For more information see *Guide to the Deposit of Microorganisms under the Budapest Treaty* (WIPO Publication, ISBN 92-805-0195-X) or www.wipo.org

(^(*)) Budapest Communication n° 19, object of Budapest Notification n° 39 of June 29th, 1984

(Industrial Property, July-August 1984, p.264) ;

Budapest Communication n° 48, object of Budapest Notification n° 74 of January 11th, 1989

(Industrial Property, January 1989, p.25) ; et

Budapest Communication n° 100, object of Budapest Notification n° 142 of December 16th, 1995

(Industrial Property, January 1996, p.42)

3. Kind of Microorganisms accepted

For the purposes of the Treaty, " **microorganism** " means any biological material which may be accepted by an International Depositary Authority.

In its capacity as International Depositary Authority (^(*)), the CNCM accepts

- **bacteria,**
- **filamentous fungi and yeasts,**
- **viruses (including bacteriophages),**
- **animal cell cultures (including human cell lines).**

The CNCM accepts these microorganisms whether they are, or not, genetically modified. The CNCM does not recognize **plasmids** as " kind of microorganism ", but as part of the properties of an accepted microorganism.

Microorganisms are not accepted where manipulation calls for physical containment levels as P3 or P4 (microorganisms of Group 3 or of Group 4 according to the French Decree n° 94-352 of May 4th, 1994 or the Council Directive 93/88/CEE on the protection of workers from risks related to exposure to biological agents at work); exceptionally a microorganism of Group 3 may be accepted, or a microorganism of Group 2 may be refused, according to the evaluation of the risks as for the manipulation and for the storage of the microorganism in the environment of the CNCM.

Microorganisms are not accepted where their properties are so exceptional that the CNCM is technically not in a position to perform the tasks which are in relation to them and must be performed under the Treaty (microorganisms which cannot undergo the preparation of sub-batches or which cannot undergo a long-term preservation without being by this fact subject to a significant change, for instance)

Microorganisms are not accepted where they are mixtures of undefined and/or unidentifiable components.

(^(*)) To comply with the **French law governing patent procedure**, any microorganism (in the classic sense of the term), viable and not contaminated, is accepted, but where that microorganism is not of a " kind " in which extend the insurances of the CNCM by virtue of the Communications of France under the Budapest Treaty, its deposit may fail to be recognized in the other countries.

4. Guidelines to making a deposit

Requirements

Depositors are asked

- to complete the **deposit documents**, and to provide the microorganism **as frozen or freeze-dried material, in form of 12 samples out of a single preparation, each sample containing at least 10⁶ viable units**

(except in special cases where lower titres may be accepted).

Depositors are further asked to supply the CNCM with any viable material which is not available at the CNCM (*) and which is needed to propagate, to test and/or to store the microorganism. For the same purposes depositors are also asked to furnish any ingredient which is not free or is hard to access.

(*) The CNCM stores some common bacteria, viruses and cell lines (host cells, reference strains, *etc.*) which are submitted to no secrecy provision.

Deposit Documents

The deposit documents are made of :

(1) The deposit form

The CNCM uses separate forms for

- bacteria,
- bacteria growing on cell systems,
- bacteriophages,
- filamentous fungi and yeasts,
- viruses, and
- cell cultures.

(2) The Addendum

The form is completed by a statement indicating that the depositor has proceeded to all the announcements required by the regulations in force in his country for the handling, use and storage of the microorganism and that he has received any relevant authorization.

(3) The Contract

By signing the contract, the depositor recognizes that he has acquainted with the conditions of the deposit under the Budapest Treaty, with the requirements of the relevant procedures in use at the CNCM, as well as with the responsibilities in case of incident.

Making a Deposit

Preliminary Information

The CNCM provides requesters with copies of the appropriate deposit documents and promptly replies in writing to any question which has been received by mail or by fax. Furthermore the CNCM is always ready, within its competence, to give supplementary information and advice by phone.

Preparing the Deposit

The depositors should fill in the documents and give all the information asked for. They should ensure that they meet the requirements as to the form and quantity of the microorganism to be deposited.

signatures. The documents should be signed by both the scientist responsible for the biological material to be deposited and the official acting on behalf of the organization employing the scientist.

Acceptability of the Microorganism

The CNCM strongly advises depositors to transmit, IN ADVANCE of the microorganism itself, a facsimile of the completed form so that the CNCM can see whether all necessary information is given and whether it is in a position to accept the microorganism.

The CNCM promptly communicates by fax its agreement, or disagreement, to receive the microorganism, and, if need be, any necessary question, comment or recommendation.

Transfer of the Biological Material

Depositors are strongly advised to inform the CNCM when they plan to send off the microorganism and to provide essential shipping information.

Depositors must comply with any safety requirement necessary for transporting the material, particularly they must

- comply with the specific requirements for the packaging and for the labelling according to the hazard group of the microorganism and, where appropriate, of the refrigerant (dry ice, liquid nitrogen) ;
- make sure that the package is accompanied by any documentation required by the relevant international and national regulations concerning the transportation and, where appropriate, the export of the material (export permit).

Prevention of Uncontrolled Use.

Certain biological materials which are supposed to be possibly used for warfare or terrorism require special authorizations for the prevention of uncontrolled transportation, handling or storage in France. Where the case arises, depositors are asked to give any indication required by the competent authorities to which the CNCM promptly addresses its demand to obtain the necessary authorization.

Import Regulations

For infectious substances from abroad, the CNCM provides depositors with a label to be attached to the parcel. This label ensures smooth transit of the microorganism through the French customs, provided that the packaging and the labelling are in accordance with the relevant regulations and that all the export requirements are complied with.

Original Deposit Documents. The original documents, correctly completed and signed, should be included in the parcel where they have not yet been received by the CNCM.

Language

The official language of the CNCM is French, but any document is available in French and English, and correspondence is also either in French or in English.

5. Deposit process

Registration of the Microorganism

As soon as a microorganism is received in a condition which does not preclude for evident reasons its acceptance, the CNCM registers this microorganism in the exercise book and promptly communicates by fax the **registration number** to the depositor.

The communication of the registration number does not imply that the CNCM is strictly obliged to accept the microorganism.

Acceptance of the Microorganism

The CNCM accepts the microorganism when

1. all the requirements are complied with, and
2. the examination of the content of at least one of the transmitted samples provided confirmation that by no fact the CNCM is precluded from performing the tasks that it must perform under the Treaty in relation to the microorganism.

The **receipt** referred to in Rule 7.1 of the Treaty testifies to the acceptance of the microorganism. The receipt is issued on the international form BP/4. When the deposit has been accepted, the accession number of the microorganism is identical to the registration number and the date of deposit is the date of registration.

The average time required by the CNCM for testing the various kinds of microorganisms is as follows :

- Bacteria, bacteriophages 30 days
- filamentous fungi, yeasts 30 days
- animal and human cell cultures 60days
- viruses (bacteriophages excluded) 90 days

The notification of the acceptance, or of the refusal, is issued within six months after the date on which the depositor has complied with all the requirements concerning the deposit, except in some cases, where growth of the microorganism is particularly slow, where the known conditions for propagation, tests and/or storage are not satisfactory, where some ingredients are difficult to access, or where irregularities or unexpected facts are noticed and need confirmation.

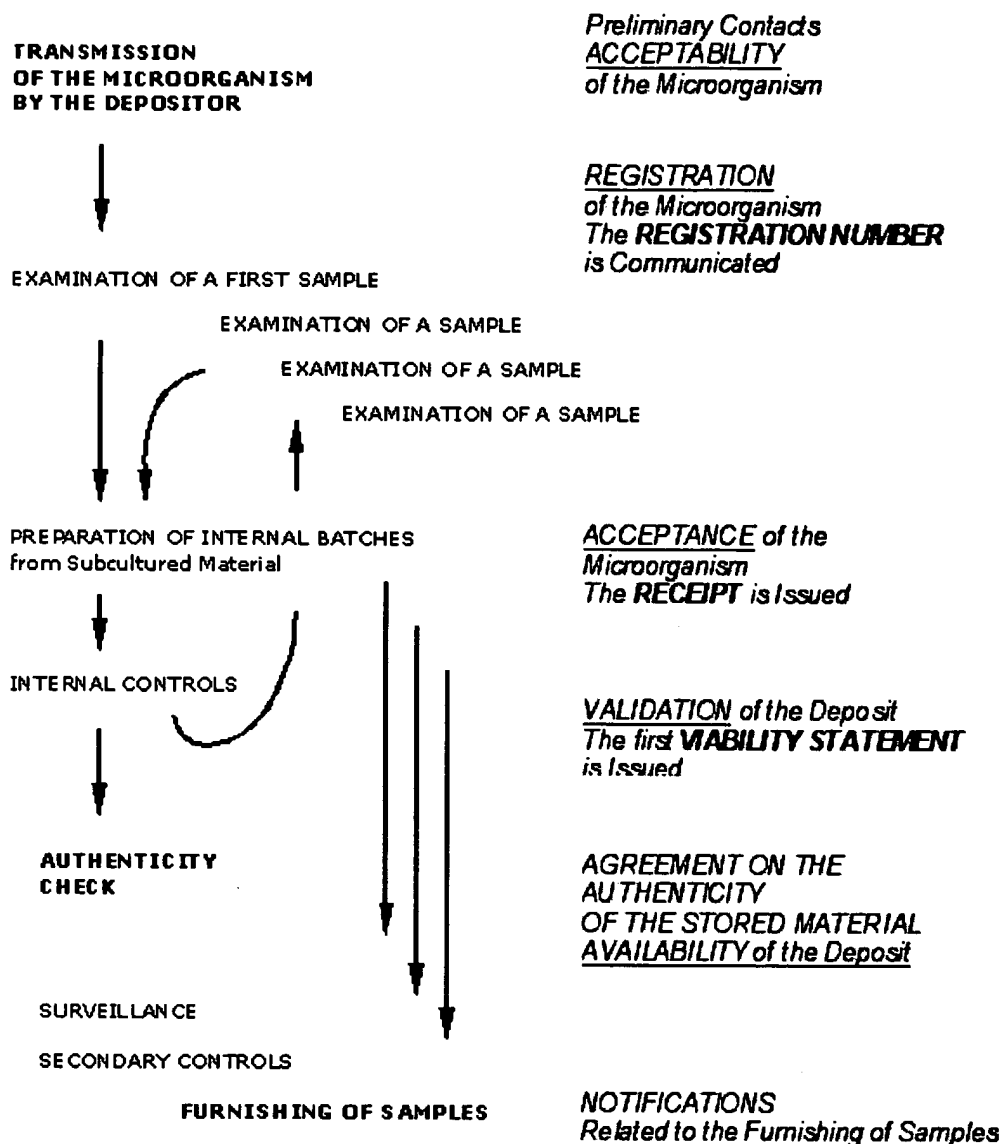
Validation of the Deposit

Once all tests have been performed by the CNCM to be sure that it is in a position to comply with the requirements under the Treaty, the first **viability statement** referred to in Rule 10.2.a)i) is issued on the international form BP/9. The first viability statement indicating a positive result testifies to the validity of the deposit.

Request for Authenticity Check

The CNCM prepares its own batches by subculturing original material at the time of deposit and, if need be, at any time during the period of the storage. Samples out of the stored batches prepared by the CNCM are sent to the depositor so that he can test them for **all known properties** to be preserved under the conditions used by the CNCM for growth and storage.

6. Outline of the main steps of the deposit process



7. Period of storage and fees for deposit

The duration of the storage of any microorganism deposited under the Treaty is of **at least 30 years** after the date of deposit and at least five years after the most recent request for a sample.

It is important to know that the deposit **cannot be cancelled** during this period, either by the depositor or the CNCM, regardless of whether the applications involving the microorganism or the use thereof are abandoned.

The " fee for storage " is a **single fee** which includes tests and storage for the whole duration of the deposit. It is subject to Value Added Tax (VAT) according to French provisions currently in force and must be paid on receiving the relevant invoice.

- bacteria, phages, filamentous fungi, yeasts freeze-dried 609.80 euros

- all other acceptable cultures case-by-case fee (*)
- bacteria, phages, filamentous fungi, yeasts frozen 701.27 euros
- viruses propagated on embryonated eggs 788.92 euros
- viruses propagated on cell cultures 1 086.96 euros
- cell cultures 1 448.27 euros

(*) The fee may include the real cost of the special ingredients which have been indicated by the depositor and which are essential to the CNCM to perform its tasks under the Treaty. If the case arises, the CNCM, promptly after having received the deposit form, notifies the depositor in writing of the fee to be charged.

8. Furnishing of information on a particular Microorganism

In any case

As long as no patent application is in process, samples and information related to the microorganism and the deposit thereof can be given by the CNCM to **no one**, except

to the **depositor** (Rule 11.2.i), and

to a party **authorized by the depositor** (Rule 11.2,ii).

Once a patent Application is in Process

Once an application referring to the deposit of the microorganism or the use thereof has been filed with an Industrial Property Office of a Contracting State for the grant of a patent,

the samples are available to that **Office** (Rule 11.1), and

where all the conditions are fulfilled or deemed to be fulfilled in accordance with the law governing patent procedure before that Office, the samples are available to public subject to a **certification of the request** by the said Office (Rule 11.3).

The depositor does not have the right to prevent furnishing of samples to a competent Office or to a party certified by that Office.

Health and Safety Requirements

Notwithstanding any entitlement of a requester to obtain samples under the Regulations of the Budapest Treaty, the CNCM withhold the samples of hazardous microorganisms until the requester has signed a statement indicating that he has proceeded to all the announcements required by the regulations in force in his country for the handling, use and storage of those microorganisms and that he has received any necessary authorization therefor.

Prevention of Uncontrolled Use.

Certain biological materials supposed to be possibly used for warfare or terrorism require **special authorizations** for the prevention of uncontrolled transportation in France or outside France. Where the case arises, requesters are asked to give any indication required by the competent authorities to which the CNCM promptly addresses

its demand to obtain the necessary authorization.

Import Regulations

Where samples must be furnished abroad, requesters are asked to provide an import permit or a declaration indicating that such permit is not required to ensure smooth transit of the microorganism.

9. Guidelines to requesting the furnishing of a sample.

Requests from the Depositor

Once the microorganism has been accepted and the receipt has been issued, it is the right of the depositor to obtain samples of his own microorganism whenever he wishes.

His written request must

- clearly indicate the CNCM accession number of the microorganism, and
- be signed by himself or, where the microorganism has been deposited by an organization, the representative of the depositor with the CNCM in connection with the microorganism and its deposit.

The requested samples are promptly sent by the CNCM either

- to the address of the depositor or, according to the request,
- to the address of a third party.

Requests from a Third Party

A third party must address his demand, either

- to the **depositor**
for a written declaration authorizing the CNCM to furnish the requested sample, or
- to a competent **Industrial Property Office**
for a **certification that an application referring to the microorganism has been filed with that Office or that the requester has the right to get such sample under the law governing patent procedure before that Office.**

It is assumed that the requester knows who is the depositor or which Industrial Property Offices are competent (i.e., where applications have been filed) to provide certification in respect to the particular microorganism being asked for. The CNCM cannot tell him where to send his request, whatever the case may be.

Certification by an Industrial Property Office

The request must be made on the international form BP/12 (www.wipo.org).

Some Offices may require additional forms to be completed to comply with their own national procedures.

The requester must

- complete the two first pages of the form BP/12 ;
- send the entire form (3 pages) to the relevant Industrial Property Office ;
- when the form bearing the appropriate certification is returned, send it to the CNCM along with a purchase order.

The CNCM points out to any requester the requirements to be met to make a valid request and provides copies of the international form BP/12, but it does not provide the additional forms that may be in use by some Industrial Property Offices.

Note

Information of the Depositor.

The CNCM promptly notifies the depositor in writing of any exchange with a third party in connection with his microorganism.

Fee for the Furnishing of a Sample

The fee for the furnishing of a sample amounts to 106.71 euros (plus forwarding costs) to be paid by the person who has signed the request.

10. Parties entitled to obtain samples of a deposited Microorganism.

The furnishing of information on a particular microorganism is linked to the provisions which govern the furnishing of samples.

No information is given by the CNCM to anyone concerning any deposited microorganism, except

- to the depositor, and
- to a party which is entitled to obtain a sample of that microorganism and subject to the same conditions as those providing this right.

These cases excepted, no authority, no natural person, no legal entity can expect the CNCM to provide information on a particular deposit ; no information, even that concerning the single fact to know whether a microorganism has, or not, been deposited is communicated to no one by the CNCM. The microorganisms deposited under the Treaty are not listed in a catalogue.

The indications which may be provided to an entitled party are **restricted** and concern :

1. the state of accessibility and the state of viability of the microorganism ;
2. any properties of the microorganism which are or may be dangerous (or are supposed to be dangerous) to health or the environment ;
3. the conditions which the CNCM employs for the cultivation and storage of the microorganism ;
4. any details of the composition of the samples which may be furnished to an entitled party ;
5. any unexpected, technical or scientific fact which had been noticed by the CNCM and notified in writing to the depositor.

All pieces of information are provided by a **written** communication transmitted by mail or by fax. In any case, a copy of the communication is simultaneously addressed to the **depositor**.

Where a sample is furnished to an entitled party, such party has a right to obtain :

1. a copy of the receipt referred to in Rule 7 of the Treaty ;

2. a copy of the most recent viability statement referred to in Rule 10 of the Treaty ;
3. a copy of the most recent scientific description and/or taxonomic designation as communicated by the depositor to the CNCM.



[page top](#)



[Institut Pasteur
Homepage](#)

If you have problems with this Web page, please write to rescom@pasteur.fr.

PART II: SPECIFIC REQUIREMENTS OF INDIVIDUAL INTERNATIONAL
DEPOSITARY AUTHORITIES AND INDUSTRIAL PROPERTY OFFICES

Section D: Requirements of International Depositary Authorities (IDAs)

(a) Culture Collections Currently Holding IDA Status

The following 37 depositary institutions in 21 countries have acquired the status of IDA:

Australia (AU)

The National Measurement Institute (NMI)

Belgium (BE)

Belgian Coordinated Collections of Microorganisms (BCCM™)

Bulgaria (BG)

National Bank for Industrial Microorganisms and Cell Cultures (NBIMCC)

Canada (CA)

National Microbiology Laboratory, Health Canada (NMLHC)

China (CN)

China Center for Type Culture Collection (CCTCC)

China General Microbiological Culture Collection Center (CGMCC)

Czech Republic (CZ)

Czech Collection of Microorganisms (CCM)

France (FR)

Collection nationale de cultures de micro-organismes (CNCM)

Germany (DE)

DSMZ – Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ)

Hungary (HU)

National Collection of Agricultural and Industrial Microorganisms (NCAIM)

India (IN)

Microbial Type Culture Collection and Gene Bank (MTCC)

Italy (IT)

Advanced Biotechnology Center (ABC)

Collection of Industrial Yeasts DBVPG

Japan (JP)

International Patent Organism Depository (IPOD),
National Institute of Advanced Industrial Science and Technology (AIST)
National Institute of Technology and Evaluation,
Patent Microorganisms Depository (NPMD)

Latvia (LV)

Microbial Strain Collection of Latvia (MSCL)

Netherlands (NL)

Centraalbureau voor Schimmelcultures (CBS)

Poland (PL)

IAFB Collection of Industrial Microorganisms
Polish Collection of Microorganisms (PCM)

Republic of Korea (KR)

Korean Cell Line Research Foundation (KCLRF)
Korean Collection for Type Cultures (KCTC)
Korean Culture Center of Microorganisms (KCCM)

Russian Federation (RU)

All-Russian Collection of Microorganisms (VKM)
National Research Center of Antibiotics (NRCA)
Russian National Collection of Industrial Microorganisms (VKPM)

Slovakia (SK)

Culture Collection of Yeasts (CCY)

Spain (ES)

Banco Nacional de Algas (BNA)
Colección Española de Cultivos Tipo (CECT)

United Kingdom (GB)

CABI Bioscience, UK Centre (IMI)
Culture Collection of Algae and Protozoa (CCAP)
European Collection of Cell Cultures (ECACC)
National Collection of Type Cultures (NCTC)
National Collection of Yeast Cultures (NCYC)
National Collections of Industrial, Food and Marine Bacteria (NCIMB)
National Institute for Biological Standards and Control (NIBSC)

United States of America (US)

Agricultural Research Service Culture Collection (NRRL)
American Type Culture Collection (ATCC)

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

TO :

Pr A.D.M.E. OSTERHAUS
Institute of Virology
Erasmus University Rotterdam
Dr Molwaterplein 50
Postbus 1738
NL-3000 DR Rotterdam
The Netherlands

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY STATEMENT
IS ISSUED

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name : Prof.Dr. A.D.M.E. Osterhaus Dept. of Virology Erasmus University Rotterdam</p> <p>Address : PO Box 1738 3000 DR Rotterdam The Netherlands</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY : I - 2614</p> <p>Date of the deposit or of the transfer¹ : 19 January 2001</p>
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 16 February 2001 ² . On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> ³ viable</p> <p><input type="checkbox"/> ³ no longer viable</p>	

- ¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- ² In the cases referred to in Rule 10.2 (a)(ii) and (iii), refer to the most recent viability test.
- ³ Mark with a cross the applicable box.

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

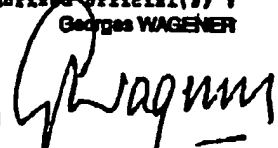
INTERNATIONAL FORM

TO :

Prof. Dr. A.D.M.E. Osterhaus
Dept. of Virology
Erasmus University Rotterdam
PO Box 1738
3000 DR Rotterdam
The Netherlands

NAME AND ADDRESS
OF DEPOSITOR

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : <p align="center">MPV-isolate 00-1</p>	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY : <p align="center">I - 2614</p>
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by : <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on 19 January 2001 (date of the original deposit) ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name : CNCM Collection Nationale de Cultures de Microorganismes Address : INSTITUT PASTEUR 28, Rue du Docteur Roux F-75724 PARIS CEDEX 15	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) : <p align="center">Georges WAGENER</p>  Date : 10 July 2001

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name : **CNCM**
Collection Nationale
de Cultures de Microorganismes

Address : **INSTITUT PASTEUR**
25, Rue du Docteur Roux
75724 PARIS CEDEX 16
FRANCE

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorised official(s) :

George WAGENER

Simona OZDEN,
Scientific Advisor
for the viruses and the cell lines

George W. Wagner *Simona Ozden*

Date : Done in Paris on 10 July 2001

⁴ Fill in if the information has been requested and if the results of the test were negative.



Georges Wagener
<georges.wagener@pasteur.f
>

To
cc REDACTED
bcc

06/24/2009 10:58 AM

Subject Re: Information on deposited virus

-----BEGIN PGP SIGNED MESSAGE-----

Hash: SHA1

Dear **REDACTED**

The following indications apply to all microorganism deposited with the CNCM under the Budapest Treaty:

Samples are furnished to any third party, authority, natural person or legal entity, which is entitled to obtain such sample under Rule 11 of the Regulations under the Treaty and subject to the conditions as provided in that Rule.

No depositor has a right to place a restriction on such furnishing.

No argument which may place a restriction on the distribution of a microorganism to an authorized or a certified party is accepted by the CNCM, except where the restriction is necessary in view of national security or the dangers for health or the environment (but in this case the restriction is placed by the law, not by the depositor).

Don't hesitate to contact me again, should you need further information,

Best regards,

Georges Wagener

Georges Wagener, MD
CNCM, Executive Head
COLLECTION NATIONALE DE CULTURES DE MICROORGANISMES (CNCM)
International Depositary Authority under the Budapest Treaty
Institut Pasteur
25 rue du Docteur Roux
F-75724 Paris Cedex 15, France
Tel: +33 1 45 68 82 50
Fax: +33 1 45 68 82 36

REDACTED